



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2011-29

Legistar #: 20110800

Board of Zoning Appeals Hearing: Monday, September 26, 2011 – 6:00 p.m.

Property Owner/Applicant: Leon Leake
368 Freyer Drive
Marietta, GA 30060

Address: 368 Freyer Drive

Land Lot: 10890 District: 16 Parcel: 0700

Council Ward: 5 Existing Zoning: R-3 (Single Family Residential 3 units/acre)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to reduce west side yard setback from 10 ft. to 2 ft.[708.03]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES





Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Brian Binzer, Director

Recommended Action:

Approval. The owner and applicant, Leon Leake, is requesting a variance at 368 Freyer Drive that would allow him to construct an addition onto his house via a covered walkway. The property is zoned R3 (Single Family Residential 3 units/acre) and is located along a residential street off of Allgood Road. Located north of the subject property are single family homes zoned R3 (Single Family Residential 3 units/acre), and directly south is former Allgood Elementary School (Head Start location), which is zoned R4 (Single Family Residential 4 units/acre).

Mr. Leake is requesting to construct an addition, a project room (19 ft. X 19 ft.), to his house via a covered walkway; and the architecture of the addition will be consistent with that of the house. He proposes to construct the addition on the existing patio pad that is approximately 2 feet off of the west side property line. Therefore, Mr. Leake is seeking a variance to reduce the west side setback from 10ft. to 2 ft. The applicant has obtained a letter of approval from his neighbor that is to the west of his property.

Staff recommends approval of the variance request.